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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PURNIMA MAHARAJ,

No. C 12-4317 SI

Plaintiff,

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE**

BANK OF AMERICA, N.A.,

Defendant.

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On August 23, 2012, defendant Bank of America filed a motion to dismiss. Plaintiff Maharaj failed to file a timely opposition to the motion. Accordingly, on September 17, 2012, the Court issued an Order to Show Cause why the case should not be dismissed for failure to prosecute. Plaintiff's timely response indicated that the parties were settling the matter and anticipated that the settlement would be completed before the end of November, 2012. Accordingly, the Court rescheduled the then-pending motion to dismiss; the hearing was scheduled for January 11, 2013, and plaintiff's opposition was due on December 13, 2012.

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No opposition was filed, and the Court has heard nothing further from the parties. **Accordingly, plaintiff is ORDERED TO SHOW CAUSE in writing no later than January 4, 2013, why this case should not be dismissed, either based on the settlement or for failure to prosecute, if there has been no settlement.** See Fed. R. Civ. Proc. 41(b). The January 11, 2013 hearing date is VACATED.

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IT IS SO ORDERED.

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Dated: December 20, 2012

Susan Illston

SUSAN ILLSTON
United States District Judge